

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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JOSE RODRIGUEZ-RAMIREZ

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE; et al.,

Defendants.

3:12-cv-0164-LRH-VPC

ORDER

Before the court are defendant Wells Fargo Home Mortgage, Inc.'s ("Wells Fargo") motion to dismiss (Doc. #10) and defendant United Title of Nevada, Inc.'s ("United") motion to dismiss (Doc. #16). Plaintiff Jose Rodriguez-Ramirez ("Rodriguez-Ramirez") did not file an opposition.

In March, 2004, Rodriguez-Ramirez purchased real property through a mortgage note and deed of trust originated by defendant Wells Fargo. Eventually, he defaulted on the mortgage note and defendants initiated non-judicial foreclosure proceedings.

Subsequently, Rodriguez-Ramirez filed a complaint against defendants. Doc. #1, Exhibit 1. Thereafter, defendants filed the present motions to dismiss which Rodriguez-Ramirez did not oppose.

While the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion under LR 7-2(d), Rodriguez-Ramirez's failure to file an opposition, in and of itself, is an insufficient ground for dismissal. *See*

1 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Before dismissing a case, a district court is
2 required to weigh several factors: (1) the public's interest in the expeditious resolution of litigation;
3 (2) the court's need to manage its docket; (3) the risk of prejudice to the defendant; (4) the public
4 policy favoring disposition of cases on their merits; and (5) the availability of less dramatic
5 sanctions. *Id.*

6 Here, these factors weigh in favor of dismissal. The need for the expeditious resolution of
7 cases on the court's docket is strong. Defendants have an interest in resolving this matter in a
8 timely manner. Further, there is a lack of prejudice to Rodriguez-Ramirez because he has shown an
9 unwillingness to continue litigating his complaint which weighs in favor of granting the motion.
10 Additionally, although public policy favors a resolution on the merits, the court finds that dismissal
11 is warranted in light of these other considerations. Therefore, the court shall grant defendants'
12 motions to dismiss and dismiss Rodriguez-Ramirez's complaint in its entirety.

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14 IT IS THEREFORE ORDERED that defendants' motions to dismiss (Doc. ##10, 16) are
15 GRANTED. Plaintiff's complaint (Doc. #1, Exhibit 1) is DISMISSED in its entirety.

16 IT IS FURTHER ORDERED that defendant's motion for a hearing (Doc. #22) is DENIED
17 as moot.

18 IT IS SO ORDERED.

19 DATED this 5th day of July, 2012.



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22 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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